

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

**In re: MOHAMED E. HASSAN and,
MIRIAM A. HASSAN,**

Debtors,

**MOHAMED E. HASSAN and,
MIRIAM A. HASSAN,**

Plaintiffs,

v.

**DEUTSCHE BANK TRUST COMPANY
AMERICAS AS TRUSTEE FOR RALI2006QA7,
GMAC MORTGAGE, LLC, and
ETS OF VIRGINIA, INC, as Substitute Trustee,**

Defendants.

Case No. 10-19957-RGM

Chapter 13

APN: 11-01002-RGM

**AMENDED FIRST APPLICATION OF SCOTT ALAN WEIBLE, P.L.L.C.
FOR SUPPLEMENTAL COMPENSATION AND REIMBURSEMENT OF EXPENSES**

COMES NOW, Scott Alan Weible, P.L.L.C., by Scott Alan Weible, Esquire (“Applicant”), counsel for Debtors herein, and pursuant to 11 U.S.C. § 330(a) and § 503(b)(2), Federal Rules of Bankruptcy Procedure 2016, respectfully applies to this Honorable Court for approval and payment of supplemental compensation and reimbursement of expenses, as attorney for Debtors, in the amount of \$33,538.16.

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Counsel for Debtors

1. Debtors filed their voluntary chapter 13 petition on November 27, 2010.
2. This is applicant's first application for supplemental fees and expenses.

3. Fees in the amount of \$3,250.00 for basic chapter 13 services have previously been paid by Debtors or approved for payment through the plan.
4. Expenses in the amount \$750.00, incurred in connection with Debtors' chapter 13 case, not including the related adversary proceeding, have previously been paid by Debtors or approved for payment through the plan.

5. No fees for, or expenses related to, any of the additional services performed to date in connection with either the chapter 13 case 10-19957-RGM, or the related adversary proceeding 11-01002-RGM, have been paid by Debtors or approved for payment through the plan.

6. Applicant currently has on deposit in Applicant's IOLTA Trust Account an additional \$31,100.00, which has been deposited by Debtors and is available for payment of any supplemental fees or expenses incurred in connection with the chapter 13 case 10-19957-RGM and the related adversary proceeding 11-01002-RGM.

7. Applicant's attorneys and staff (specifically, Scott Alan Weible, Esquire, Christine E. Tafur, Esquire and Paralegal Ingrid H. Rosales-Zavala) have performed, for, on behalf of, and at the specific request of Debtors, all of the professional services for which Applicant now seeks approval of supplemental compensation and expenses.
8. This application covers the period of October 21, 2010 through May 31, 2011.

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9. The professionals who provided services for which compensation is requested is as follows:

- A. Scott Alan Weible, Esquire. Mr. Weible has practiced law since October, 1983, practices regularly before this Court and has approximately 60 cases pending before this Court at this time. Mr. Weible's practice currently consists of approximately 70% bankruptcy and related matters, and the remainder of his practice consists primarily of civil litigation and estate and probate. Mr. Weible's standard hourly rate is \$350.00 until June 1, 2011, when it will be increased to \$380.00. However, for this matter, Applicant agreed to discount Mr. Weible's hourly rate down to \$300.00, as a courtesy to Debtors.
- B. Christine E. Tafur, Esquire. Ms. Tafur has practiced law since June 1, 2009, practices regularly before this Court and assists Mr. Weible with the cases he has pending before this Court. Ms. Tafur's practice currently consists of approximately 90% bankruptcy and related matters, and the remainder of her practice consists primarily of civil litigation. Ms. Tafur's standard hourly rate is \$175.00.
- C. Ingrid H. Rosales-Zavala. Ms. Rosales-Zavala has worked as a legal assistant and (after obtaining her Paralegal Certificate from George Mason University in Arlington, Virginia in June, 2007) paralegal since June, 2006. She assists Mr. Weible and Ms. Tafur with the bulk of the cases Applicant has pending before this Court. Ms. Rosales-Zavala's standard hourly rate is \$125.00 until June 1, 2011, when it will be increased to \$150.00.

10. During the period covered by this application, in exchange for the \$3,250.00 which Debtors agreed to pay (and has already paid) Applicant for all basic necessary chapter 13 services, Applicant has devoted a total of 19.10 hours (9.80 hours by Scott Alan Weible, 5.90 hours by Christine E. Tafur, 4.30 hours by Ingrid H. Rosales Zavala). The total fees which Applicants would have billed Debtors for such work, had Applicant billed Debtors by the hour is \$4,510.00. Therefore Debtors received \$4,510.00 worth of Applicant's services for \$3,250.00.

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The basic services performed in Debtors' chapter 13 case for the basic fee of \$3,250.00 are described in detail in Exhibit A hereto, and are summarized as follows:

Multiple conferences with Debtors.
Preparation of Debtors' chapter 13 petition and schedules.
Preparation of Debtors' chapter 13 plan and first amended plan.
Preparation of suggestions of bankruptcy.
Preparation for and appearance at Debtors' meeting of creditors
Preparation for and appearance at Debtors' confirmation hearing.
Contact with various of Debtors' creditors.
Resolve garnishment proceedings pending against Joint-Debtor Miriam Hassan.
Multiple contacts with the Attorney for Debtor Mohamed Hassan's ex-wife regarding Debtor's DSO obligations and resolve issues relating to same.
Negotiate with Mr. Giangi, co-owner of real property being surrendered by Debtor Mohamed Hassan, for the surrender of said property.

11. During the period covered by this application, Applicant has devoted a total of 11.00 hours (9.80 hours by Scott Alan Weible and 0.30 hours by Ingrid H. Rosales Zavala) to the Additional Services performed in the chapter 13 case, for which Debtors agreed to pay in addition to the basic chapter 13 fees. The total additional fees for such services is \$2,977.50.

The additional services performed in Debtors' chapter 13 case are described in detail in Exhibit A hereto, and are summarized as follows:

12. Review, discuss with Debtors', prepare answer to, travel to and from and appear at multiple hearings and Court initiated status conference on motion for relief from stay brought by Deutsche Bank.

13. During the period covered by this application, Applicant has devoted a total of 118.50 hours (88.30 hours by Scott Alan Weible and 30.20 hours by Ingrid H. Rosales Zavala) to the additional adversary proceeding services for which Debtors agreed to

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pay in addition to the basic chapter 13 fees. The total additional fee for such services is \$30,265.00.

14. The additional services performed in Debtors' adversary proceeding are described in detail in Exhibit A hereto, and are summarized as follows:

Research and prepare complaint to set aside foreclosure sale.

Research and prepare service of, and serve, summons, complaint and other initial documents.

Multiple conferences with Plaintiffs about their case.

Prepare Qualified Written Request to Defendants.

Multiple discussions with four separate counsel for Defendants about various matters.

Review and analyze, and research, prepare and file responses to three separate motions for judgment on the pleadings.

Appear on behalf of Plaintiffs at the hearing on Defendants' motions for judgment on the pleadings.

Review, analyze, research, and prepare responses and objections to the separate first set of interrogatories and requests for production of documents of GMAC and Deutsche Bank. Meetings and conferences with Plaintiffs about the same, collect the documents responsive to same. Meet and confer with Counsel for Defendants about objections. Prepare supplemental responses to same and provide supplemental documents responsive to same.

Analyze the Court's ruling on the motions for judgment on the pleadings, research and prepare and serve and file the 1st amended complaint. Review Defendants' answers to the 1st amended complaint.

Initiate, pursue and obtain settlement of the adversary proceeding.

15. Inasmuch as the hourly rate of Scott Alan Weible, Esquire was already reduced, by agreement with Debtors, by \$50.00 per hour (thereby saving Debtors \$4,905.00 (98.10 x \$50.00) over the course of the chapter 13 case and adversary proceeding combined) no fees have been written off in the exercise of billing discretion.

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16. Total expenses for the chapter 13 case are: \$845.96. \$750.00 of this amount has been paid by Debtors pre-petition. Therefore, unpaid expenses in the chapter 13 case are \$95.96. See Exhibit A hereto, and pages 4 and 5 thereof.
17. Total expenses for the adversary proceeding are: \$199.70. \$00.00 of this amount has been paid by Debtors pre-petition. Therefore, unpaid expenses are \$199.70. See Exhibit B hereto, and pages 8 and 9 thereof.
18. No expenses have been written off in the exercise of billing discretion.
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19. Charges have not been included for preparation and noticing of this fee application and any court appearances related to this application.
20. Detailed time and expense records for the chapter 13 case are attached as Exhibit A.
21. Detailed time and expense records for the adversary proceeding are attached as Exhibit B.
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22. The fee agreement between Applicant and Debtors specifically provides that the basic chapter 13 fee includes the initial plan and one amendment, but that additional amendments to the chapter 13 plan will be billed at Applicant's standard hourly rate, and that all services and costs associated and incurred in connection with the adversary proceeding would be billed in addition to the basic chapter 13 fee.
23. Applicant specifically discussed with Debtors, before filing of Debtors' chapter 13 case, as well as before filing Adversary Proceeding 11-01002-RGM, that additional fees and costs would be incurred in the prosecution of the lien adversary proceeding, and that the payment of Applicant's supplemental compensation would be very likely to significantly increase Debtors' chapter 13 plan payments. And, due to the extreme importance to Debtors' of the adversary proceeding, they agreed to pay such fees and expenses.

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24. Applicant has provided Debtors with a copy of this Amended Application before filing it.

25. Debtors' plan payments as proposed in their unconfirmed plan filed August 10, 2011 are sufficient to pay the requested compensation without reducing the confirmed dividend.

WHEREFORE, the undersigned Applicant prays for the entry of an order approving supplemental compensation and reimbursement of expenses as counsel for Debtors in the amount of \$33,242.50 for supplemental fees and \$295.66 for supplemental expenses; allowing Applicant to forthwith withdraw \$31,100.00 from Applicant's trust account in partial payment of said fees and expenses; and ordering that the remaining \$2,438.16, to be paid through the plan as an expense of administration.

Dated: August 24, 2011

Respectfully Submitted.

/s/ Scott Alan Weible
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CERTIFICATE OF SERVICE

I certify that I have this 24th day of August, 2011, transmitted a true copy of the foregoing application electronically either through the Court's CM/ECF system, or by mail, to the Debtors, the Chapter 13 trustee and the United States Trustee if other than by electronic means is provided for at Local Bankruptcy Rule 2002-1(d)(3), and to all creditors and parties in interest on the mailing matrix maintained by the clerk of the court.

/s/ Scott Alan Weible
Scott Alan Weible

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